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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,845	05/11/2001	Toru Suzuki	112857-233	6738
29175 7590 09/25/2007 BELL, BOYD & LLOYD, LLP P. O. BOX 1135 CHICAGO, IL 60690			EXAMINER DANG, HUNG Q	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/853,845	SUZUKI ET AL.	
	Examiner	Art Unit	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☒ Claim(s) 39-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 08/28/2007 have been fully considered but they are not persuasive.

At page 9, Applicant argues, in regards to independent claims 1, 13, and 25-27, that Crosby is directed to picture data only, and not video data. In response, the Examiner respectfully disagrees as Crosby discloses both image data and video data. Crosby discuss the video part is in column 19, line 65 – column 20, line 37 as another embodiment similar to that of handling digital images. In column 7, line 60 – column 8, line 3 and in column 20, lines 5-12, Crosby discloses generating and distributing thumbnail images or low-resolution video that can serve as index pictures. Also at page 9, Applicant argues that Song cannot be combined with Crosby because Crosby does not disclose or suggest handling of video data. In contrary to Applicant's arguments, as described above, Crosby clearly discloses handling of video data. Thus, the combination of Crosby and Song is obviously reasonable.

In addition, at page 10, regarding claims 6, 18, and 32, Applicant argues that Song does not disclose extracting index pictures from the video data at predetermined intervals. In response, the Examiner respectfully disagrees. The discussion of extracting still pictures from video recordings disclosed in column 2, lines 54-58 should be understood in the context of the discussion of general editing of video data disclosed earlier in the same paragraph, which is directed to desired or undesired frames. For example, Crosby discloses deleting "undesired frames" and introducing "frame

repetition". These operations are obviously directed to selected frames or positions.

This concept is also disclosed in column 14, lines 60-63 of Song, in which a frame grabber is described as "a memory for snatching from a continuous stream of digital video signal samples those data descriptive of a single selected frame of video ..." And if the operation can be carried based on selected frames then it can also be performed based on "predetermined intervals", which are defined between two selected frames.

For that reasons, the claims in discussion are rejected as originally presented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 9-11, 13-15, 17, 21-23, 25-29, 31, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Crosby et al. (US Patent 6,577,311).

Regarding claim 1, Crosby et al. disclose a service providing apparatus for providing an editing environment for video data recorded on a record medium that is sent (column 5, lines 6-11; column 19, line 67 – column 20, line 2; also see "Response to Arguments" above), the apparatus comprising: a part for creating index pictures using the video data that is sent (column 5, lines 56-60; column 7, lines 60 – column 8, line 3; column 16, lines 61-65; column 20, lines 5-6; also see "Response to Arguments" above)

and transmitting the created index pictures from a first computer to a second computer through a network (column 8, lines 48-55; column 16, lines 28-33, 36-44); and an editor for editing the video data corresponding to edit commands transmitted from the second computer to the first computer through the network as a displayed result of the transmitted index pictures (column 9, line 56 – column 10, line 9; column 11, lines 8-25; column 12, lines 8-12; column 17, lines 10-13; column 20, lines 16-21; column 5, lines 20-28).

Regarding claim 2, Crosby et al. also disclose a server, wherein the video data is stored to the server (column 9, lines 26-30; column 9, line 67 – column 10, line 6).

Regarding claim 3, Crosby et al. also disclose a server, wherein the video data is converted into a predetermined format that the first computer easily handles and the converted video data is stored in the server (column 19, line 67 – column 20, line 21).

Regarding claim 5, Crosby et al. also disclose the edited video data is transmitted from the second computer to the first computer through the network (column 9, lines 26-30; column 16, lines 41-44).

Regarding claim 9, Crosby et al. also disclose the index pictures are thumbnail pictures composed of reduced pictures with low resolution (column 7, lines 60-64; column 16, lines 28-33, 61-65; column 20, lines 5-6).

Regarding claim 10, Crosby et al. also disclose the first computer records a history of the transmitted edit commands and edits the video data corresponding to the history of the edit commands (column 11, line 11 – column 12, lines 2; column 14, lines 8-13).

Regarding claim 11, Crosby et al. also disclose the first computer records a history of the transmitted edit commands, and wherein, after the edit commands have been completely transmitted, the first computer edits the video data corresponding to the history of the recorded edit commands (column 13, line 45 – column 14, line 38).

Claim 13 is rejected for the same reason as discussed in claim 1 above.

Claim 14 is rejected for the same reason as discussed in claim 2 above.

Claim 15 is rejected for the same reason as discussed in claim 3 above.

Claim 17 is rejected for the same reason as discussed in claim 5 above.

Claim 21 is rejected for the same reason as discussed in claim 9 above.

Claim 22 is rejected for the same reason as discussed in claim 10 above.

Claim 23 is rejected for the same reason as discussed in claim 11 above.

Regarding claim 25, Crosby et al. disclose a receiver for receiving index pictures of video data recorded on a record medium that is sent through a network (column 7, lines 60 – column 8, line 3; column 8, lines 48-55; column 9, lines 65-67; column 16, lines 61-65); and a transmitter for transmitting edit commands corresponding to a displayed result of the index pictures (column 9, line 56 – column 10, line 9; column 11, lines 8-25; column 17, lines 10-13; column 20, lines 16-21; column 5, lines 20-28).

Claim 26 is rejected for the same reason as discussed in claim 25 above.

Claim 27 is rejected for the same reason as discussed in claim 1 above.

Claim 28 is rejected for the same reason as discussed in claim 2 above.

Claim 29 is rejected for the same reason as discussed in claim 3 above.

Claim 31 is rejected for the same reason as discussed in claim 5 above.

Claim 35 is rejected for the same reason as discussed in claim 9 above.

Claim 36 is rejected for the same reason as discussed in claim 10 above.

Claim 37 is rejected for the same reason as discussed in claim 11 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-7, 16, 18-19, 30, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US Patent 6,577,311) as applied to claims 1-3, 5, 9-11, 13-15, 17, 21-23, 25-29, 31, and 35-37 above, and further in view of Song et al. (US Patent 6,597,860).

Regarding claim 4, see the teachings of Crosby et al. as discussed in claim 3 above. However, Crosby et al. do not disclose the converted video data is MPEG2 format data.

Song et al. disclose an MPEG-2 format (column 2, lines 43-46).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the MPEG-2 format data disclosed by Crosby et al. into the apparatus disclosed by Crosby et al. because, according to Song et al., it is easier for editing (column 2, lines 43-46).

Regarding claim 6, see the teachings of Crosby et al. as discussed in claim 1 above. However, Crosby et al. do not disclose the index pictures are still pictures extracted from the video data at predetermined intervals.

Song et al. disclose the index pictures are still pictures extracted from the video data at predetermined intervals (column 2, lines 53-58; also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate extracting the index pictures from the video data at predetermined intervals as disclosed by Song et al. into the apparatus disclosed by Crosby et al. According to Song et al., it is desirable because of ease of editing (column 2, lines 53-58).

Regarding claim 7, Song et al. also disclose the index pictures are still pictures extracted from particular scenes of the video data (column 2, lines 53-58).

Claim 16 is rejected for the same reason as discussed in claim 4 above.

Claim 18 is rejected for the same reason as discussed in claim 6 above.

Claim 19 is rejected for the same reason as discussed in claim 7 above.

Claim 30 is rejected for the same reason as discussed in claim 4 above.

Claim 32 is rejected for the same reason as discussed in claim 6 above.

Claim 33 is rejected for the same reason as discussed in claim 7 above.

Claims 8, 20, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US Patent 6,577,311) and Song et al. (US Patent

6,597,860) as applied to claims 1-7, 9-11, 13-19, 21-23, 25-33, and 35-37 above, and further in view of Sono (US Patent 5,829,044).

Regarding claim 8, see the teachings of Crosby et al. and Song et al. as discussed in claim 6 above. However, the proposed combination of Crosby et al. and Song et al. does not disclose the index pictures are automatically generated.

Sono discloses index pictures are automatically generated (column 11, lines 41-53).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the automatic generation of index pictures disclosed by Sono into the apparatus disclosed by Crosby et al. and Song et al. to minimize user's manual input so to enhance the user interface of the apparatus.

Claim 20 is rejected for the same reason as discussed in claim 8 above.

Claim 34 is rejected for the same reason as discussed in claim 8 above.

Claims 12, 24, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (US Patent 6,577,311) as applied to claims 1-3, 5, 9-11, 13-15, 17, 21-23, 25-29, 31, and 35-37 above, and further in view of Tucker et al. (US 2004/0049598).

Regarding claim 12, see the teachings of Crosby et al. as discussed in claim 1 above. However, Crosby et al. do not disclose a third computer, wherein the video data is edited by the third computer corresponding to the recorded edit commands.

Tucker et al. disclose a content distribution system, a distributed server comprising a control/distribution server and an edit server, which is used to edit the data ([0047]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the distributed server which comprises the distribution server and edit server as disclosed by Tucker et al. into the service providing apparatus disclosed by Crosby et al. to enhance the speed of the system (Tucker et al., [0009]).

Claim 24 is rejected for the same reason as discussed in claim 12 above.

Claim 38 is rejected for the same reason as discussed in claim 12 above.

Allowable Subject Matter

Claims 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 39 recites "a part for storing scene data, the scene data including a scene number, scene start picture, scene end picture, scene start time, and scene end time, wherein the scene start picture and the scene end picture are index pictures." Abe (US Patent 6,618,491) discloses a part for storing frame images extracted from the moving data (column 3, lines 32-35, 60-65), which by nature must include a start frame and an end frame. Suzuoka et al. disclose a scene data including a scene number (column 25, lines 11-14). Munetsugu et al. disclose scene data including the start time and end time of the scene (column 34, lines 13-14). None of the references disclose the unique feature as claimed in claim 39 above.

Claim 40 is allowable for the same reason as discussed in claim 39 above.

Claim 41 is allowable for the same reason as discussed in claim 39 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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